

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RODNEY L. BROWN,

Defendant.

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No. 06-CR-30160

ORDER

HERNDON, District Judge:

Before the Court is a motion to continue trial submitted by Defendant Brown. (Doc. 97.) The motion is unopposed. The Court finds that the trial should be postponed because Defendant Brown's counsel recently acquired discovery and requires more time to prepare due to the volume of discovery in this matter. To require the Defendant Brown to go to trial before he has had adequate time to prepare would visit a manifest miscarriage of justice upon him. In addition, the Court finds that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such a continuance outweigh the interests of the public and Defendant Brown in a speedy trial because failure to grant a continuance would deny Defendant Brown's counsel the reasonable time necessary to effectively prepare for trial. Furthermore, the Court finds pursuant to **18 U.S.C. § 3161(h)(7)** that since no motion to sever has been filed, the trial should be continued for Co-Defendant

Eric Lavergne scheduled for trial that day, June 18, 2007. Therefore, the Court **GRANTS** Defendant Brown's motion to continue (Doc. 97) and continues the trial scheduled for June 18, 2007 for Defendant Brown and Co-Defendant Lavergne until September 17, 2007 at 9:00 a.m. The time from the date Defendant Brown's motion was raised, May 15, 2007, until the date on which the trial is rescheduled, September 17, 2007, is excludable time for the purposes of speedy trial.

IT IS SO ORDERED.

Signed this 16th day of May, 2007.

/s/ David RHerndon
United States District Judge